

Appn. No.: 09/934,037
Amendment Dated July 12, 2005
Reply to Office Action of June 2, 2005

ITDE-PSSD123US

Digital Globe, on the other hand, does **not** disclose dynamically selecting by a user a geographical area enclosed by a user defined polygon, which provides substantially limitless size and shape variability.

Although, Digital Globe, at pages 68-70 (pages numbered by Examiner) discloses that the user may request a fulfillment provider to obtain imagery data with a geographic coverage of a polygonal area worldwide (see Table on page 68), Applicants submit that such polygonal area is **not** limitless in size and shape. As described, at page 70 of Digital Globe, the user may task the system for a smaller area; however, the user is charged for a minimum area size. The minimum area size for Early Bird One is 100 square kilometers. Accordingly, the polygonal area that may be selected by a user is limited to a minimum size of 100 square kilometers. Consequently, Digital Globe does not disclose an enclosed polygon that is defined by a user, which provides substantially limitless size and shape variability.

Claim 12:

Original claim 12 recites, in part, the following:

- **requesting a bid from at least one earth imagery content provider to obtain the user selected earth Imagery content . . .**

Claim 12 is rejected in view of Digital Globe and Naylor. As admitted by the Office Action, Digital Globe does not disclose a bid. The Office Action, however, states that Naylor teaches that perspective buyers can view digital images and bid for the right to display the images.

Naylor, however, does **not** suggest requesting a bid (price) from an earth Imagery content provider. Naylor, as disclosed in the Abstract, discloses that end users provide bids to the content provider for the right to display images. Applicants invention, as recited in claim 12, however, recites that the bid is provided from the Imagery content provider to the user (in other words, it is the reverse of Naylor).

Claim 20:

Amended claim 20 recites the following:

- **the price is automatically determined by a computer of the fulfillment provider, in response to the dynamically selected polygons on the display of the user, and transmitted by the fulfillment provider, by way of the network channel, for display on the display of the user.**

The present Invention, as recited in amended claim 20, advantageously provides prices automatically from the fulfillment provider, in response to the dynamically selected polygons on the display of a user.

Claim 20 is rejected in view of Digital Globe and Slik. It is respectfully submitted, however, that neither Slik nor Digital Globe discloses the features of dynamically selecting polygons by an end user on the display of the end user.

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Digital Globe is discussed above. Slik, at Fig. 15, discloses that a user may select imagery data based on a hierarchy of grids (HG 78, HG 710, etc.). Slik does not supply the features that are missing from Digital Globe, namely, dynamically selecting a geographical area by enclosing a polygon of limitless size and variability.

Furthermore, neither reference suggests that the price is automatically determined by a computer of the fulfillment provider, in response to dynamically selected polygons; and the price is transmitted by the fulfillment provider for display on the display of the user.

CONCLUSION

Applicants request that in view of the above arguments, with respect to claims 1, 12 and 20, the Finality of the outstanding Office Action be removed.

The Examiner and the Primary Examiner agreed that the finality of the Office Action would be removed; a new search would be conducted; and a new Non-final Office Action would be issued, based on the new search.

Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (703-872-9306) on the date shown below.

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